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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,379	04/11/2006	Toshiyuki Ando	1163-0562PUS1	9075

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EXAMINER	
ALSOMIRI, ISAM A	

ART UNIT	PAPER NUMBER
3662	

NOTIFICATION DATE	DELIVERY MODE
12/29/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No.	Applicant(s)	
	10/575,379	ANDO ET AL.	
	Examiner	Art Unit	
	ISAM ALSOMIRI	3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 September 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☒ Claim(s) *7 and 8* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 April 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1 and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shunpei JP 2003-240852 in view of Gogolla et al US 7,023,531.

Referring to claim 1, Shunpei discloses in figure 1, a light wave radar apparatus comprising: a light emitting means (1) for emitting a light signal; an optical guide means (3) for propagating the light signal emitted out of said light emitting means; a light transmit-receive means (4) for emitting the light signal propagated by said optical guide means toward a space, and for collecting scattered light resulting from a scattering of the light signal by the space; a wind velocity calculating means for combining a part of the light signal emitted out of said light emitting means and the scattered light collected by said light transmit-receive means to generate combined light, and for calculating a wind velocity in a sight line direction from the combined light; and a frequency deviation detecting means for detecting a frequency deviation of the light signal emitted out of said light emitting means ("Doppler" see Abstract).

Shunpei does not teach detecting the frequency deviation due to propagation by the optical guide means. However, it is well known in radar system to compensates for

variation to the signal caused by the transmitting system. Gogolla teaches a LADAR system that detect deviation caused by propagation system (see figure 1, and col. 4:58 to 5:35). it would have been obvious to further include measure the frequency deviation caused by the propagation system to compensate for it and to improve signal to noise ratio.

Referring to claim 3, the frequency deviation detecting means detects the frequency deviation from the light signal propagated by the optical guide means (see figure 1).

Referring to claim 4, the frequency deviation detecting means combines a part of the light signal emitted out of the light emitting means and a part of the light signal propagated by the optical guide means to generate combined light, and detects the frequency deviation of the light signal from the combined light (see figure 1).

Referring to claim 5, the frequency deviation detecting means combines a part of the light signal emitted out of the light emitting means, and a light signal reflected by an internal reflection point between the optical guide means and the light transmit-receive means to generate combined light, and detects the frequency deviation of the light signal from the combined light (see Abstract and Fig 1).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shunpei JP 2003-240852 in view of Gogolla et al US 7,023,531 as applied to claim 1 above, and further view of Osamu JP 63-266382 or Osamu JP 63-71675.

Both Osamu'82 and Osamu '75 teaches a wind velocity correcting means (table means string correction values) for correcting the wind velocity calculated by the wind velocity calculating means according to the frequency deviation detected by the frequency deviation detecting means. it would have been very obvious to include this correction means to maintain accurate measurements.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shunpei JP 2003-240852 in view of Gogolla et al US 7,023,531 as applied to claim 1 above, and further in view of Makato JP-4-133533.

Makato teaches detecting an intensity of the light signal propagated by the optical guide means, and detects the deviation of the light signal from a temporal change in the intensity of the light signal. It would have been obvious to monitor the light intensity to detect variation that effect the system and to compensate for it as part of maintaining accurate measurements.

Allowable Subject Matter

Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISAM ALSOMIRI whose telephone number is (571)272-6970. The examiner can normally be reached on Monday-Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 22, 2008

/Isam Alsomiri/
Primary Examiner, Art Unit 3662